

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

LANELL CARTER,
Plaintiff,

v.

**JOHN DOE AND ROEHL
REFRIGERATED TRANSPORT, LLC,**
Defendants.

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CIVIL ACTION NO. 4:22-CV-00123

INDEX OF PLEADINGS FILED IN THE STATE COURT ACTION

TO THE UNITED STATES DISTRICT CLERK:

Pursuant to 28 U.S.C. § 1447(b), attached hereto are complete true and correct copies of all documents filed in the state court action:

- (1) Tarrant county Docket Sheet
- (2) Plaintiff's Original Petition (12/07/2021)
- (3) Service Request Form (12/07/2021)
- (4) Citation Issued on Roehl Refrigerated Transport LLC (12/07/2021)
- (5) Executed Service of Citation for Roehl Refrigerated Transportation (01/27/2022)
- (6) Defendants' Original Answer (02/15/2022)
- (7) Order Setting Trial (02/16/2022)

Respectfully submitted,

COX P.L.L.C



Clinton V. Cox, IV
State Bar No. 24040738
ccox@coxpllc.com
Gregory R. Brenner
State Bar No. 24027052
gbrenner@coxpllc.com
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231

Tel: (214) 444-7050

Fax: (469) 340-1884

**ATTORNEYS FOR DEFENDANT ROEHL
REFRIGERATED TRANSPORT, LLC**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been served on all attorneys of record pursuant to the Texas Rules of Civil Procedure on this the 16th day of February 2022.

/s/ Gregory R. Brenner
Gregory R. Brenner



Tarrant County District Clerk Online

Thomas A. Wilder, District Clerk

Civil Case and Transaction Information

02/16/2022 1:37 PM

Court : 017 ▼ Case : 330721 Search New Search ☐ Show Service Documents ONLY

Cause Number : 017-330721-21

Date Filed : 12-07-2021


LANELL CARTER | VS | JOHN DOE, ET AL

Cause of Action : INJURY OR DAMAGE, INVOLVING MOTOR VEHICLE

Case Status : PENDING

File Mark	Description	Assessed Fee	Credit/Paid Fee
12-07-2021	<u>PLTF'S ORIG PET</u>	N	<u>\$289.00</u>
12-07-2021	<u>PAYMENT RECEIVED trans #1</u>	Y	<u>\$289.00</u>
12-07-2021	<u>SVC REQ FORM</u>		<u>\$0.00</u>
12-07-2021	<u>CIT-ISSUED ON ROEHL REFRIGERATED TRANSPORT LLC-On 12/08/2021</u>	N <u>Svc</u>	<u>\$8.00</u>
12-07-2021	<u>PAYMENT RECEIVED trans #4</u>	Y	<u>\$8.00</u>
01-27-2022	<u>RTN OF SVC ON ROEHL REFRIGERATED TRANSPORT LLC</u>		<u>\$0.00</u>
01-27-2022	<u>CIT Tr# 4 RET EXEC(ROEHL REFRIGERATED TRANSPORT LLC) On 01/17/2022</u>		<u>\$0.00</u>
02-15-2022	<u>DEFN'S ORIG ANS</u>		<u>\$0.00</u>

EXHIBIT A-1

02-16-2022	<p>***ORD SET TRIAL*** (WK OF JANUARY 9, 2023).</p>	<div><div></div><div>M</div></div>		
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017-330721-21

FILED
TARRANT COUNTY
12/7/2021 9:48 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. _____

LANELL CARTER

Plaintiff,

v.

JOHN DOE AND
ROEHL REFRIGERATED TRANSPORT
LLC

Defendants.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff, Lanell Carter, (hereinafter, "Plaintiff"), complains of Defendants, John Doe and Roehl Refrigerated Transport LLC., (hereinafter called "Defendants"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Tarrant County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of

EXHIBIT A-2

relief if necessary.

Parties

4. Plaintiff is an individual residing in Tarrant County, Texas.

5. Defendant, John Doe (Hereinafter, “Defendant Doe”) is the individual that was operating the truck owned by Defendant Roehl Transport at the time of the incident.

6. Defendant, Roehl Refrigerated Transport LLC (Hereinafter, “Defendant Roehl Transport”) is a business organized under the laws of Wisconsin doing business in Tarrant County, Texas. Defendant Roehl may be served with process through its registered agent, Richard Roehl at 1916 E 29th Street, Marshfield, WI 54449, or wherever found.

Facts

7. This lawsuit is necessary as a result of personal injuries Plaintiff suffered on or about August 20, 2021. At that time, Plaintiff was exiting the Sygma warehouse parking lot onto a service road and started travelling in the second to right lane behind Defendant Doe’s truck. As Plaintiff was passing Defendant’s vehicle, Defendant Doe made an unsafe lane change and collided with the Plaintiff’s vehicle. Defendant Doe was driving a truck owned by Defendant Roehl Transport. Defendant Doe fled from the scene after calling Plaintiff a racial slur. As a result of Defendant’s negligence and/or negligence *per se*, Plaintiff suffered extensive and permanent injuries.

8. Defendant Doe’s aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle’s speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;
- e) Failing to turn the vehicle in an effort to avoid a collision;

- f) Failing to maintain a proper lookout in order to avoid a collision;
- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

9. Defendant Doe was driving a vehicle owned by Defendant Roehl Transport. At all times material hereto, Defendant Doe, was operating the vehicle in the course and scope of his employment with Defendant Roehl Transport. As such, Defendant Roehl Transport is vicariously liable for Defendant Doe's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further plead Defendant Roehl Transport was negligent and/or negligent *per se* for one or more of the following reasons:

- a) Negligently entrusted a motor vehicle to an incompetent driver;
- b) Negligently hired and/or retained employees;
- c) Negligently trained and/or supervised employees;
- d) Failed to maintain the vehicle in a reasonably safe condition;
- e) Violated applicable, local, state and federal laws and/or regulations;
- f) Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

Damages

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;

- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Jury Demand

13. Plaintiff hereby demands a jury trial.

Duty to Disclose

14. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendants must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

15. Pursuant to Rule 194, Tex. R. Civ. P., Defendants must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

16. Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in

excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which she may show himself justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/ Mary Akapo

Mary Akapo

Texas State Bar No. 24125990

600 North Pearl St., Suite 2205

Dallas, TX 75201

Telephone: (469) 206-8210

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

akapo@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Dhenai Tunstall on behalf of John Daspit
 Bar No. 24048906
 dtunstall@daspitlaw.com
 Envelope ID: 59772736
 Status as of 12/7/2021 9:57 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mary Akapo		akapo@daspitlaw.com	12/7/2021 9:48:58 AM	SENT
Alma Lira		Alira@proactivelegal.com	12/7/2021 9:48:58 AM	SENT
Dhenai Tunstall		dtunstall@daspitlaw.com	12/7/2021 9:48:58 AM	SENT
DLF Intake		intake@daspitlaw.com	12/7/2021 9:48:58 AM	SENT
Jaime Holder		jholder@proactivelegal.com	12/7/2021 9:48:58 AM	SENT
John A Daspit	24048906	Eservice@daspitlaw.com	12/7/2021 9:48:58 AM	SENT

CIVIL PROCESS REQUEST
017-330721-21FILED
TARRANT COUNTY
12/7/2021 9:48 AM
THOMAS A. WILDER
DISTRICT CLERKFOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): _____

FILE DATE OF MOTION: _____
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____☐ MAIL ☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☐ OTHER, explain _____

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____☐ MAIL ☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: _____ TEXAS BAR NO./ID NO. _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ FAX NUMBER: _____
area code phone number area code fax number

EMAIL ADDRESS: _____

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION

_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM

_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION

_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION

_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION

_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER

_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS

Automated Certificate of eService

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Dhenai Tunstall on behalf of John Daspit
 Bar No. 24048906
 dtunstall@daspitlaw.com
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John A Daspit	24048906	Eservice@daspitlaw.com	12/7/2021 9:48:58 AM	SENT

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-330721-21

LANELL CARTER

VS.

JOHN DOE, ET AL

TO: ROEHL REFRIGERATED TRANSPORT LLC

B/S REG AGENT-RICHARD ROEHL 1916 E 29TH ST MARSHFIELD, WI 54449-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LANELL CARTER

Filed in said Court on December 7th, 2021 Against
JOHN DOE, ROEHL REFRIGERATED TRANSPORT LLC

For suit, said suit being numbered 017-330721-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

MARY AKAPO

Attorney for LANELL CARTER Phone No. (469)206-8210

Address 600 N PEARL ST STE 2205 DALLAS, TX 75201

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 8th day of December, 2021.

By Natalie Thugpen Deputy
NATALIE THUGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733072121000004*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal)

County of _____

EXHIBIT A-4

CITATION

Cause No. 017-330721-21

LANELL CARTER

VS.

JOHN DOE, ET AL

ISSUED

This 8th day of December, 2021

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

MARY AKAPO

Attorney for: LANELL CARTER
Phone No. (469)206-8210
ADDRESS: 600 N PEARL ST STE 2205

DALLAS, TX 75201

CIVIL LAW



01733072121000004

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-330721-21

LANELL CARTER

VS.

JOHN DOE, ET AL

TO: ROEHL REFRIGERATED TRANSPORT LLC

B/S REG AGENT-RICHARD ROEHL 1916 E 29TH ST MARSHFIELD, WI 54449-

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LANELL CARTER

Filed in said Court on December 7th, 2021 Against
JOHN DOE, ROEHL REFRIGERATED TRANSPORT LLC

For suit, said suit being numbered 017-330721-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

MARY AKAPO

Attorney for LANELL CARTER Phone No. (469)206-8210

Address 600 N PEARL ST STE 2205 DALLAS, TX 75201

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 8th day of December, 2021.

By



NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 12/08/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733072121000004*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

EXHIBIT A-5

Affidavit of Private Detective

TARRANT COUNTY TEXAS

LANELL CARTER, PLAINTIFF/PETITIONER
 JOHN DOE AND ROEHL, DEFENDANT/RESPONDENT
 REFRIGERATED TRANSPORT LLC 017-330721-21 CASE NUMBER

I, Kyle P. Corrigan, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: ☒ Served ☐ was unable to serve: ROEHL REFRIGERATED TRANSPORT LLC

with (list documents) PLAINTIFF'S ORIGINAL PETITION, AUTOMATED CERTIFICATE OF E-SERVICE, CITATION AND SUMMONS

by leaving with KIM SIMPSON, NAME EXEL. HSST. AT RELATIONSHIP/POSITION

☐ Residence

☒ Business 1916 E. 29TH STREET, ADDRESS CITY/STATE MARSHFIELD, WI 54449

On JANUARY 17, 2022, DATE AT 1:55 PM, TIME

☐ Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on _____ DATE

from _____ CITY STATE ZIP

Manner of Service:

- ☐ Personal: By personally delivering copies to the person being served.
☐ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.
☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
☒ Corporate: By personally delivering copies to the person named above.
☐ Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion
☐ Address Does Not Exist ☐ Other _____

Service Attempts: Service was attempted on: (1) _____ DATE TIME (2) _____ DATE TIME

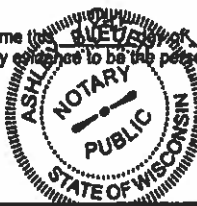
(3) _____ DATE TIME (4) _____ DATE TIME (5) _____ DATE TIME

Description: Age 50 Sex F Race W Height 5'3" Weight 160 Hair BL Beard N Glasses Y

SIGNATURE OF PRIVATE DETECTIVE
 811463-04

SUBSCRIBED AND SWORN to before me on January 17, 2022, by Kyle P. Corrigan
 Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

BRIGHT
 LINE
 INVESTIGATIONS



SIGNATURE OF NOTARY PUBLIC
 NOTARY PUBLIC for the state of Wisconsin

Bright Line Investigations LLC
 Wisconsin Private Detective Agency License #17064-62

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 61204817

Status as of 1/27/2022 12:45 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	1/27/2022 12:29:35 PM	SENT
John A Dasplit	24048906	Eservice@dasplitlaw.com	1/27/2022 12:29:35 PM	SENT
Alma Lira		Alira@proactivelegal.com	1/27/2022 12:29:35 PM	SENT
Jaime Holder		jholder@proactivelegal.com	1/27/2022 12:29:35 PM	SENT
Dhenai Tunstall		dtunstall@dasplitlaw.com	1/27/2022 12:29:35 PM	ERROR
Mary Akapo		akapo@dasplitlaw.com	1/27/2022 12:29:35 PM	SENT

017-330721-21

FILED
TARRANT COUNTY
2/15/2022 7:39 PM
THOMAS A. WILDER
DISTRICT CLERK**CAUSE NO. 017-330721-21****LANELL CARTER**
Plaintiff

v.

JOHN DOE AND ROEHL
REFRIGERATED TRANSPORT, LLC
Defendants§ **IN THE DISTRICT COURT**
§
§
§ **17th JUDICIAL DISTRICT**
§
§
§
§ **TARRANT COUNTY, TEXAS****DEFENDANT'S ORIGINAL ANSWER****TO THE HONORABLE JUDGE OF SAID COURT:**

COME NOW, **ROEHL REFRIGERATED TRANSPORT, LLC** Defendant in the above-styled and numbered cause, and files this Original Answer and would respectfully plead as follows:

I.
GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demand strict proof thereof.

II.
AFFIRMATIVE DEFENSES

2. Defendant contends that the alleged accident made the basis of this lawsuit and the alleged damages, if any, were caused by the negligence of persons or third-parties over whom Defendant had no control, and for whom Defendant is not in law responsible. Such negligence was the sole cause or, alternatively, a proximate cause of the alleged occurrence in question and the alleged damages, if any.

3. Pleading further, Defendant raises the affirmative defense of proportionate responsibility pursuant to Tex. Civ. Prac. & Rem. Code §33.001. Specifically, Defendant would

EXHIBIT A-6

show that at the time and on the occasion in question, Plaintiff Lanell Carter failed to exercise that degree of care and caution that would have been exercised by a person of ordinary prudence, under the same or similar circumstances. Accordingly, Lanell Carter's acts and/or omissions constitute negligence, and such negligence was the sole cause, or in the alternative, a proximate cause of the accident in question, and the damages and injuries, if any, sustained by Plaintiff herein. Therefore, Plaintiff is barred, in whole or in part, from a recovery of damages from Defendant.

4. Pleading further, and in the alternative, Defendant would show the damages alleged in Plaintiff's Petition, if any, were the result of a superseding and/or independent intervening cause, and Plaintiff cannot therefore provide a basis for any recovery against Defendant.

5. Defendant affirmatively plead that this was an unavoidable accident.

6. Further answering, if same be necessary, and without waiving any of the matters hereinabove asserted, Defendant would show that Plaintiff's claims of physical and/or mental ailments in this cause were, in whole or in part, proximately caused solely and/or proximately by prior and/or subsequent accidents, events, or occurrences.

7. Defendant further pleads that Plaintiff's damages, if any, were caused by an intervening cause, and/or new and independent cause which broke any causal connection between Defendant's acts and/or omissions and Plaintiff's damages. The intervening cause, and/or new independent cause was unforeseeable and a superseding cause of Plaintiff's damages, if any. Therefore, Defendant is not liable for such damages.

8. Defendants further affirmatively pleads that Plaintiff failed to mitigate her claimed damages.

III.
LIMITATIONS ON DAMAGES

9. Defendant invokes Section 18.091 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value or loss of inheritance, the evidence to prove such loss must be presented in the form of net loss after reduction of income tax payments or unpaid tax liability. Defendant further requests the court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

10. Defendant further invokes Section 41.0105 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery of medical or healthcare expenses incurred, the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendant requests the court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

11. Pleading further, Defendant would show that Plaintiff is not entitled to an award of exemplary damages, unless the Plaintiff proves by clear and convincing evidence that Defendant acted with malice. Tex. Civ. Prac. & Rem. Code §41.003(a).

12. Defendant would further show the Court that the exemplary damages awarded against Defendant, if any, may not exceed the amount contained in and limited by Chapter 41 of the Texas Civil Practice and Remedies Code, and Defendant respectfully requests this honorable Court to compute Plaintiff's award, if any, in accordance with the language of Chapter 41 of the Texas Civil Practice and Remedies Code. Specifically, pursuant to §41.008, Plaintiff is only

entitled to exemplary damages, if any, not to exceed an amount equal to two times the amount of economic damages and an amount equal to any non-economic damages, not to exceed \$750,000; or \$200,000. Defendant also requests that the Plaintiff proves the necessary requirements to establish a cause of action for exemplary damages as set forth in Chapter 41 of the Texas Civil Practice and Remedies Code. Further, prejudgment interest may not be recovered on an award of exemplary damages pursuant to §41.007 of the Texas Civil Practice and Remedies Code.

13. To the extent Plaintiff's claim punitive damages against Defendant, an award of punitive damages against it, without any cap or limit whatsoever placed upon the amount of punitive damages which may be awarded, would violate its rights to due process as guaranteed by the 14th Amendment to the United States Constitution by Article I, Section 19 of the Texas Constitution, as well as by the public policy and common law of this State.

14. Further, with respect to Plaintiff's claim for punitive damages, any award of punitive damages against Defendant, which may be based upon any conduct or products not specifically alleged as the basis for Plaintiff's claims in this action, would violate its due process rights as guaranteed by the 14th Amendment to the United States Constitution by Article I, Section 19 of the Texas Constitution, as well as by the public policy and common law of this State.

15. Defendant also invokes the defense of burden of proof, as set forth in Chapter 41 of the Texas Civil Practice and Remedies Code. Defendant maintains that Plaintiff does not state a viable claim for the imposition of punitive damages.

16. Defendant further invokes the protections and limitations of Texas Finance Code sections 304.103, 304.1045, and 304.003, relating to any award of pre- and/or post-judgment interest.

17. Defendant reserves the right to amend or supplement this Answer, at a later time in the proceedings.

IV.
DEMAND FOR JURY TRIAL

18. Defendant hereby demands a trial by jury.

V.
DISCOVERY PLAN

19. Defendant requests a Level III Discovery Plan.

VI.
REQUEST FOR DEPOSITIONS

20. Should this matter not be dismissed or adjudicated by preliminary motion, Defendant hereby requests dates for the depositions of Plaintiff, Plaintiff's family and friends, treaters, and experts, as well as any accident or pre-accident witnesses. Defendant envisions such depositions will need to be taken after reasonable time for written discovery, including Defendant being provided, or seeking through subpoena, the relevant records related to this accident and Plaintiff's alleged damages. Defendant and Defendant's witnesses will be presented for deposition after Plaintiff's depositions.

VII.
NOTICE OF INTENT

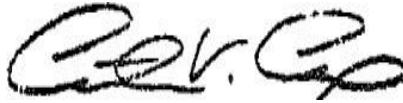
21. Defendant hereby gives notice of intent to utilize items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the Texas Rules of Civil Procedure, 193.7.

VIII.
PRAYER

Defendant respectfully prays that Plaintiff take nothing, assess costs against the Plaintiff, and request such other and further relief, at law or in equity, both general and special, at law and in equity, to which Defendant may show itself justly entitled to receive and for which Defendant shall ever pray.

Respectfully submitted,

COX P.L.L.C



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**ATTORNEYS FOR DEFENDANT ROEHL
REFRIGERATED TRANSPORT, LLC**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been served on all attorneys of record pursuant to the Texas Rules of Civil Procedure on this the 15th day of February 2022.

/s/ Greg Brenner
Greg Brenner

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Donna Gordon on behalf of Greg Brenner
 Bar No. 24027052
 dgordon@coxpllc.com
 Envelope ID: 61783403
 Status as of 2/16/2022 8:10 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	2/15/2022 7:39:18 PM	SENT
John A Dasplit	24048906	Eservice@dasplitlaw.com	2/15/2022 7:39:18 PM	SENT
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Associated Case Party: THE ROEHL REFRIGERATED TRANSPORT LLC

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Greg Brenner		gbrenner@coxpllc.com	2/15/2022 7:39:18 PM	SENT
Clint V.Cox		ccox@coxpllc.com	2/15/2022 7:39:18 PM	SENT
Donna Gordon		dgordon@coxpllc.com	2/15/2022 7:39:18 PM	SENT

**CAUSE NO. 017-330721-21**

LANELL CARTER	§	IN THE DISTRICT COURT
	§	
VS.	§	TARRANT COUNTY, TEXAS
	§	
JOHN DOE, ET AL	§	17TH JUDICIAL DISTRICT

ORDER SETTING TRIAL

The Court hereby enters the following trial setting and other pretrial deadlines. All deadlines not contained in this Order shall be governed by the Texas Rules of Civil Procedure and Tarrant County Local Rules. If all parties/attorneys desire a different trial setting, an agreed scheduling order with the new trial date contained therein shall be submitted to the Court within fourteen days.

March 2, 2022 An Agreed Scheduling Order shall be submitted by this date.

December 30, 2022 Each party shall file with the clerk of the court an exhibit list,
by noon witness list, motions in limine, and a proposed charge of the court
 or proposed findings of fact/conclusions of law. A courtesy copy of
 the proposed charge should also be sent in Word format via e-mail
 to jmgrimsley@tarrantcounty.com.

January 5, 2023 The Court will conduct a pretrial hearing on this date and time with
at 2:30 p.m. the parties.

January 9, 2023 This case is set for trial during the week of January 9, 2023.

Signed on this 16th day of February, 2022.


 Melody Wilkinson, Judge Presiding

EXHIBIT A-7